

**CITY OF WILLAMINA**  
**411 NE C Street – P O Box 629**  
**Willamina, OR 97396**  
**503-876-2242 fax 503-876-1121**

**NOTICE OF PLANNING COMMISSION (PC) ACTION**

**DATE:** *See signature page for written decision date.*

**FILE NUMBER:** Conditional Use 2010-01(that also includes Site Plan Review)

**PROPERTY OWNER:** Tall Timber Investment Group, LLC

**REPRESENTATIVE:** Sheldon Oil Company

**LOCATION:** Yamhill County Assessor's Map and Tax Lot Numbers:  
6 7 01AD/8900 and 9000 (Attachment A)

**PROPERTY ADDRESS:**692 NE Main Street (Also referenced as Oregon State Highway  
157, Willamina/Sheridan Highway, Highway 18/Business)

**SIZE:** TL 8900 - .54 acres and TL 9000 - .87 (written record) and .77  
acre per map record (1.31 (as stated in application) or 1.41 acres)

**CURRENT USE:** Site was formerly used as an automated service station

**COMPREHESIVE PLAN/ZONE:** General Commercial (C-1)  
Willamina Development Code, Section 2.104

**REQUEST:** Approval of a conditional use permit (and including Site Plan  
Review) to allow an "automobile service station, including towing  
services and vehicle washing and polishing facilities, and services"  
subject to certain development provisions (The development is  
proposed for development over a period of three (3) years.)

**STANDARDS/R  
REQUIREMENT  
FOR CUP AND SITE  
PLAN REVIEW:** Willamina Development Code, Sections 3.103 and 3.105

**ATTACHMENTS:** Attachment A: Property location  
Attachment B: Preliminary/Site plan

## **I. CRITERIA – CONDITIONAL USE**

According to the Willamina Development Code, Section 3.103.01, a conditional use permit application is reviewed in accordance with the Type II review procedures specified in Section 3.201.

Conditional Use Permits may be approved based upon the applicant providing evidence substantiating that all the requirements of the City of Willamina Ordinance relative to the proposed use are satisfied and demonstrates that the proposed use also satisfies the following criteria as listed in Section 3.103.03.

A. The use is listed as a conditional use in the underlying district.

Applicant Response: The applicant response was provided as indicated in the Staff Report, Attachment B, page 3.

Findings: The City's Code, Section 2.104.03, Conditional Uses, Letter A, is as follows:

“Automobile service station, including towing services and vehicle washing and polishing activities, and services, and, subject to the development provisions in Section 2.308.”

The full proposal according to the application is to re-activate an existing automated service station cardlock. The station has not operated for several years. According to an application amendment (Staff Report, Attachment B, page 5), “the building located on the subject property has been a retail service station. Sheldon oil has plans to revive this location with a Shell branded retail service station and convenience store within 3 years.”

The proposal fits within the parameters of the allowable “automobile service station.”

Conditions of approval include the “development provisions” as required according the Development Code, Section 2.308.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

Applicant Response: The applicant response was provided as indicated in the Staff Report, Attachment B, page 3.

Findings: The property was previously used as an automated service station. In an earlier and separate application, the two units of land were approved for consolidation under a lot line adjustment. Combining the properties appears to allow sufficient area for the currently proposed automated station and the future retail services. The consolidation removes any setback issues regarding compliance the dividing property line.

The property has almost 200 feet of frontage on Highway 18-Business at the east entrance/exit to the City. Re-use of the property appears to be within the footprint of the previous use without any topographical, waterway, or vegetative restraints. Public facilities are within a usable distance of the property although on-site storm water drainage may need to be further addressed.

C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.

Applicant Response: The applicant response was provided as indicated in the Staff Report, Attachment B, page 3.

Findings: Access to Highway 18-Business is under the jurisdiction of the Oregon Department of Transportation (ODOT). The Planning Commission determined that the applicant shall provide to the City written evidence from ODOT allowing re-use of the property as an automated service station.

Due to the location of the property near the intersection of Oaken Hills, a main route to the City's schools, the City Engineer recommended submittal of a traffic impact analysis. The Planning Commission determined the need for completion, submittal, and approval of the study by the City Engineer prior to operation of the retail service station proposed for implementation within the next three (3) years.

Use of City water, sanitary sewer services, and storm water systems shall be according to Public Works Department approval and in compliance with City standards/ordinances. Accommodations for storm water drainage need to be addressed and, in particular, specific to the area in front of the existing building. The method to resolve the storm water drainage problem shall be as approved by City staff.

D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.

Applicant Response: The applicant response was provided as indicated in the Staff Report, Attachment B, page 3.

Findings: A cardlock service station previously operated at this site. However, several years have lapsed since the use was active and there is no record of prior issuance of a conditional use permit. A conditional use permit application assesses the impact on the surrounding area.

Documenting that property complies with current ODOT access standards and fuel tank installation/maintenance helps to assure that the card-lock station does not limit, impair or preclude primary uses on surrounding properties.

An expanded retail use on the subject property has the potential of creating a greater impact on the surrounding area. Requiring a traffic impact analysis at that time helps the City assess any limitations on surrounding properties.

To indicate compliance with the City's standards of an automobile service station, the owner/applicant shall submit prior to operation a circulation and parking plan and provide additional details about the existing landscaping and buffering.

Prior to operation of the operation of the retail components, additional information regarding the circulation/parking plan and landscaping/buffering shall be submitted for review and approval by City staff. Additional review evaluates any potential impact and mitigation on surrounding properties.

E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use.

Applicant Response: The applicant response was provided as indicated in the Staff Report, Attachment B, page 3.

Findings: The City's Transportation System plan indicates the need to limit direct access onto the highway. However, the only public right-of-way available to this property is Highway 18-Business via an existing driveway. The Oregon Department of Transportation has jurisdiction regarding re-use of the property and determines the location and type of the ingress and egress to the subject property.

The Comprehensive Plan indicates a goal "to allow for commercial types and amounts of activities to adequately meet the needs to the City and its immediate surrounding area." Allowing the operation of an "automobile service station" at the location of the subject property appears to help address this goal.

Another goal is "to diversify and improve the City's economy." Returning a formerly used site to an active business serves to further this goal.

F. The authorization of such conditional use will not be materially detrimental to the public health, safety and welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.

Applicant Response: The applicant response was provided as indicated in the Staff Report, Attachment B, page 3.

Findings: Regulations and standards applied to access to the property is under the jurisdiction of ODOT and the operation of the service station in regards to the underground storage tanks is under the authority of the Fire District and the Oregon Department of Environmental Quality. Requirements for these two elements address some of the public health and safety aspects toward re-use of the property.

However, the City determined adding a retail component within three (3) has the potential of creating a greater impact on the community and surrounding area. Requiring submittal of and review by the City of a traffic impact analysis helps determine any needed improvements to address safety and welfare.

The property frontage has sidewalks for pedestrians passing the property. At the time the retail operation is added, the owner/applicant needs to indicate on a site plan, the location of a pathway from the public right-of-way to the on-site operations.

Prior to operation of the retail service station and convenience store, the owner/applicant shall submit a landscape plan for review and approval by the City. The plan shall indicate compliance with City's "Site and Landscape Design" requirements. Needed details include verifying that the landscaped areas that calculate to 10 percent of the gross lot area and method of buffering for the distance the property abuts the residential districts on the north side of the property.

## **II. CRITERIA – SITE PLAN REVIEW**

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all requirements of the Development Code relative to the proposed use are satisfied. A site plan review process is used to determine compliance with requirements of the Development Code.

According to the Development Code, Section 3.105.06, evaluation of a site development plan shall be based upon consideration of the following:

### **A. Conformance with the General Development Standards contained in this Ordinance including:**

1. Street: The property abuts Highway 18 Business Loop that is under the jurisdiction of the Oregon Department of Transportation (ODOT). The ODOT determines if an access permit is required and any need physical changes to the point(s) of ingress and egress on the subject property. The driveway shall comply with the City's requirements for vision clearance areas.
2. Off-street parking: Required off-Street parking is based upon the proposed use.

The City's Code does not have a category for service stations. If employees are working on site, a space or spaces need to be provided based upon the highest number on-site during the same work hours.

At the time the operation expands to a more full-service station and/or convenience store, the owner/developer needs to provide evidence of meeting the parking requirements based upon one (1) space for every 300 feet square feet of

retail store area. The parking arrangement shall also comply with spaces required for individuals with disabilities according the Americans with Disability Act.

3. Public facilities, including storm drainage, and, utility lines and facilities. Use of public water and sewer services shall be as required by City ordinances. The owner/applicant needs to address storm water management and including a method to resolve the excess storm water runoff on a portion of the subject property.

4. Signs: No information was provided as part of the application for on-site signage. Prior to operation of the services station, the applicant shall contact the City to determine the need for processing a sign permit. The City's sign requirements are as listed in the Code, Section 2.206. Signage may also need approval from ODOT.

5. Site and landscaping design. The City's Code indicates that a plan for site and landscaping design is required for new construction, expansion or redevelopment of structures or parking lots for commercial uses. Other than the required screening, additional landscaping is not required if there are no changes/expansion to on-site structures or to the use.

B. Characteristics of adjoining and surrounding uses.

Properties to the north are zoned for residential use. Across the highway to the south, the property is within an industrial zone district. Abutting property to the east and west are also zoned for commercial use.

The property currently consists of two (2) tax lots. To eliminate the need to observe property line setbacks issues from the dividing line, the applicant filed a separate lot line adjustment application to consolidate the units of land. Prior to beginning the operation, the applicant needs to complete the conditions of approval for LLA 10-01. The format for the recording document is as determined by Yamhill County Surveyor's office.

C. Drainage and erosion control needs: See the response to Letter A.3. above.

D. Public health factors: In order to operate the service station, the business owners need approval from the Office of the State Fire Marshall. A company on behalf of Sheldon Oil (4C's Environmental Inc.) initiated the paperwork toward the company installing a 10,000 gallon diesel tank. Before the Fire Marshall may take action, the City needs to provide evidence that the property is in compliance with City regulations.

If the City grants a conditional use permit, the process may continue.

E. Traffic safety, internal circulation and parking: ODOT reviews and approves the point(s) of ingress and egress to the subject property. The City needs more information on the traffic circulation for the current use and prior to expansion to a more full-service station and/or convenience store.

In regards to parking, see response to Letter A.2. above.

F. Provision for adequate noise and/or visual buffering from non-compatible uses: Prior beginning operation of the automated station, the City needs information on the existing vegetation. Prior to expanding to a service station/store, the City needs verification that the property complies with the required buffering adjacent the residential zone to the north.

G. Retention of existing natural features on site: The application does not indicate the removal of any existing vegetation or any changes to the property's topography.

H. Problems that may arise due to development within potential hazard areas: The property is not located within the 100-year flood plain or mapped with any significant wetlands. With the exception of the property's northeast corner, there does not appear to be any significant changes in topography. Development is proposed more within the southern portion of current tax lot configuration.

I. Connectivity of internal circulation to existing and proposed streets, bikeways and pedestrian facilities: The property's only access is to Highway 18-Business. There are existing sidewalks on the property's frontage. Bicycle parking spaces and a pathway from the public right-of-way to the business shall be added at the time of expansion of the use beyond the automated service station.

### **III. PLANNING COMMISSION DECISION - CONDITIONS OF APPROVAL**

The City applied requirements as part of a development review/approval—the conditional use permit—as conditions of approval. The findings listed above indicate that the required criteria is or can be satisfied. The Planning Commission voted unanimously to approve an automated service station cardlock and use of the existing building within 3 years as a retail service station and convenience store based upon the property owner/developer complying with the following conditions of approval.

#### **REVISED SITE PLAN**

A. Prior to operation of the station, submit a revised site plan that indicates the following:

- Point of vehicle and pedestrian access to both parcels,
- On-site circulation patterns and surfacing of all driveway, maneuvering, and parking areas,
- Location and number of vehicle parking spaces based upon the highest number of employees on-site at one time, and

- Location of areas of existing vegetation to indicate compliance with the Code, Section 2.308.02 B.

(Note: Installation of vehicle parking spaces requires compliance with the Code, Chapter 2.203.)

#### ACCESS, PARKING AND CIRCULATION

- B. Prior to operation of the station, submit to the City written evidence either in the form of a letter or permit indicating ODOT approval of the access to the subject property. Any required improvements to ingress and egress shall be completed prior to operation of the automated service station.
- C. In compliance with the Code, Section 2.308, pave all parking, loading, or areas used for storage of recreational and other vehicles. Surfacing shall be either concrete or asphalt and as approved by the City Engineer.
- D. Prior to operation of the service station, provide on-site parking (a minimum of 9 feet by 19 feet) for employees based upon the number of persons working during a single shift. The spaces shall comply with the surfacing requirements according to the Development Code, Section 2.203.08. The parking spaces shall be connected to the Highway by a driveway also constructed to the same standards.
- E. At the intersection of the driveway and the Highway, comply with the vision clearance area as required by the Development Code, Section 2.308 K.
- F. Prior to operation of the retail service station and/or convenience store, submit for review and approval by the City Engineer a traffic impact analysis. The study shall be used to determine the need for any future improvements for the additional uses.
- G. Prior to operation of the retail service station and/or convenience store, install on-site parking spaces constructed to City standards at the ratio of one (1) space for every 300 square feet of retail space. The parking lot shall be constructed in compliance with requirements and according to standards of the Americans with Disability Act.
- H. Prior to operation of the retail service station and/or convenience store, provide a pedestrian pathway to the public right-of-way.
- I. Prior to operation of the retail service station and/or convenience store, install bicycle parking spaces in compliance with City requirements.

#### LANDSCAPING AND SCREENING

- J. Prior to operation of the retail service station, install "screening" for the distance the north property line abuts the adjoining residential zone districts (R-2 and R-3). Screening may be accomplished by the use of sight-obscuring plan materials



(generally evergreens), earth berm, or wall. Details for the options are per the Development Code, Section 2.207.07 C. The planting and maintenance shall be as required by the City (Section 2.207.08).

- K. As required by the Code, Section 2.308.02 C., store all merchandise and supplies (other than vehicles), when not displayed for public sale, within a building.
- L. Prior to operation of a retail service station and convenience store requires compliance with City standards in regards to landscaping. Prior to operation, the owner/developer needs to submit a landscape plan needs for review and approval by the City. The plan shall indicate compliance with "Site and Landscape Design" requirements. Needed details including verifying the landscaped areas that calculate to 10 percent of the gross lot area and method of buffering for the distance the property abuts the residential districts on the north side of the property.

#### SIGNAGE

- M. Prior to operation of the service station and if applicable, file with the City a sign permit application. The City's sign requirements are as listed in the Code, Section 2.206. If the applicant proposes to re-use existing signage, that information shall be presented to the City for review.
- N. Prior to operation of the station, provide evidence from the Oregon Department of Transportation (ODOT) whether or not ODOT approval is required for on-site signage. For additional information, contact Amy Joyce — [amy.b.joyce@odot.state.or.us](mailto:amy.b.joyce@odot.state.or.us) or (503-886-3546).

#### PUBLIC UTILITIES

- O. At the time of use of City's water and sanitary system, comply with the Public Facilities Improvements Requirements according to the Willamina Development Code, Section 2.201.03, as approved by the City Engineer and/or Public Works Director.
- P. Prior to operation of the station, provide a storm water drainage plan to address the excessive run-off on the subject property.
- Q. Prior to any additional paving, contact City staff and the City Engineer. Based upon the amount of added impervious surfacing, the City determines the need for a storm water drainage plan.

#### COMPLIANCE WITH CONDITIONS OF APPROVAL AND ADDITIONAL PERMITS

- R. In compliance with Section 2.308.02 D. and prior to development, obtain all applicable permits from the state and federal departments or agencies. Note that obtaining any applicable permits is the responsibility of the Applicant/Owner. The City of Willamina land use and review and approval process does not take the place of, or relieve the Applicant/Owner of responsibility for acquiring such other

permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

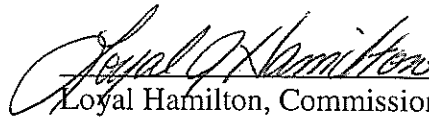
- S. Note that compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

#### IV. DECISION AND APPEAL DATES

APPROVED BY A 6 TO 0 VOTE OF THE PLANNING COMMISSION ON THE 5<sup>TH</sup> DAY OF October, 2010, to allow as a conditional use an "automobile service station, including towing services and vehicle washing and polishing facilities, and services" for property addressed as 692 NE Main Street.

DATED at Willamina, Oregon, this 8<sup>th</sup> day of October \_\_\_\_\_, 2010.

ATTEST:



Loyal Hamilton, Commission Chairperson

Date

ATTEST:



Debbie Bernard, Planning Secretary

10-08-10

Date

The decision becomes final at the conclusion of the appeal period.

THIS DECISION MAY BE **APPEALED** TO THE WILLAMINA CITY COUNCIL IN WRITING WITHIN FOURTEEN (14) CALENDAR DAYS OF THE NOTICE OF WRITTEN DECISION (Code, subsection 3.205.01) and based upon the signature date.

If there are questions regarding this application or the appeal process, please contact the City of Willamina at **503-876-2242**.

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

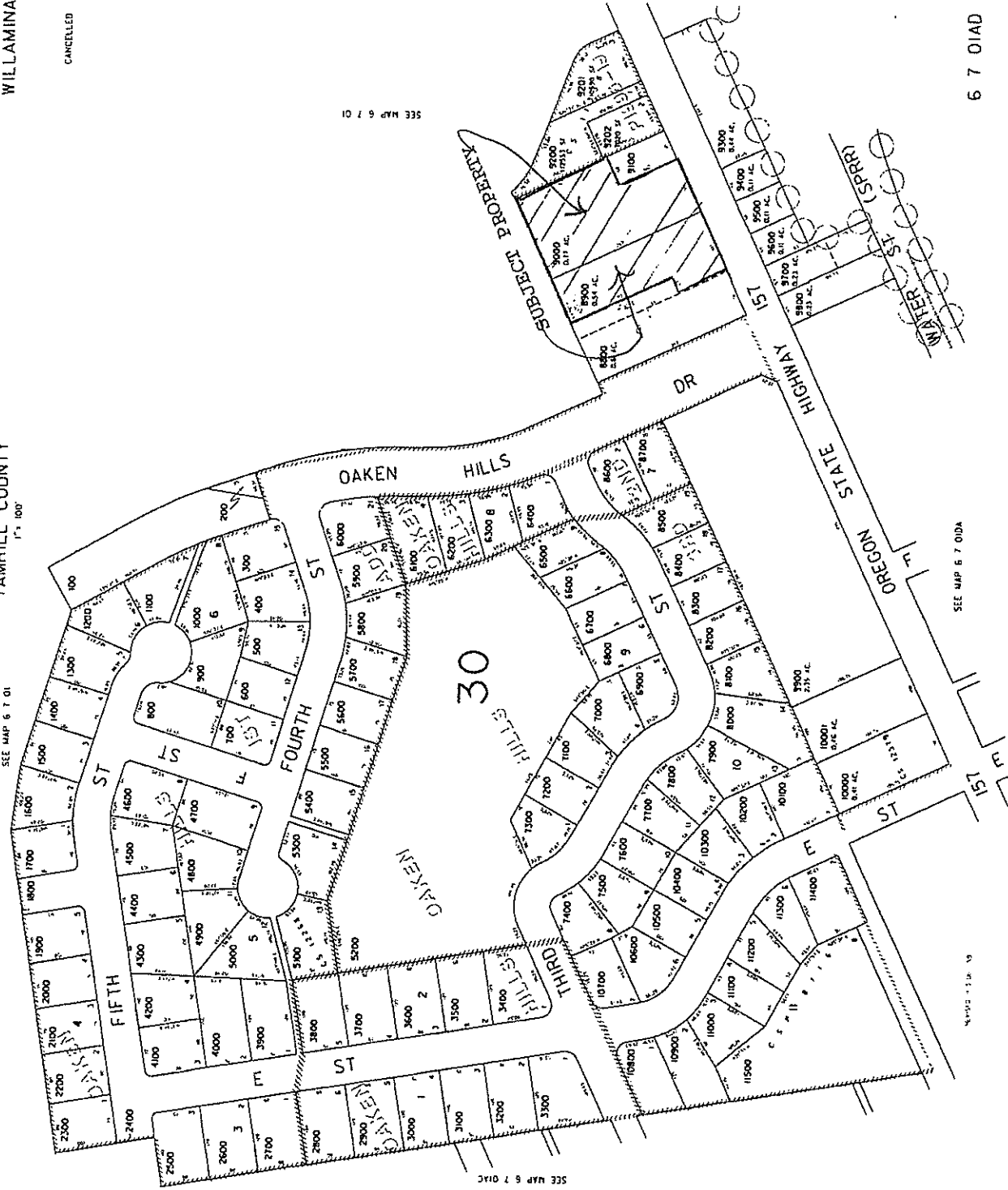
SE 1/4 NE 1/4 SEC 1 T6S R7W W.M.  
YAMHILL COUNTY

SEE MAP 6 7 01

1" = 100'

6 7 01AD  
WILLAMINA

CANCELLED

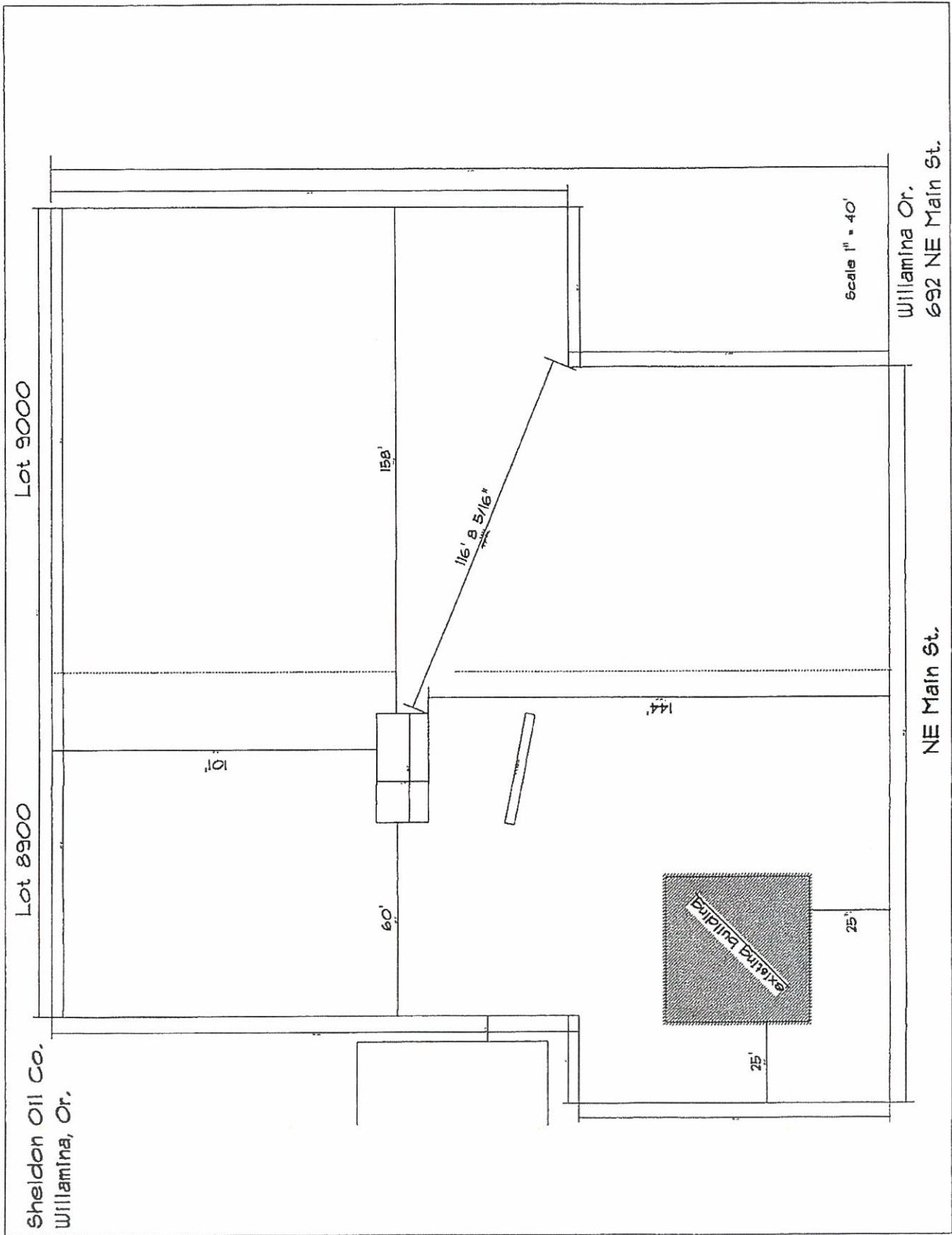


SEE MAP 6 7 01A

SEE MAP 6 7 01A

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ATTACHMENT  
cup 2010-01 Decision



CUP 2010-01 Decision  
**ATTACHMENT** B

## Debbie Bernard

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**From:** Mattson, Marjorie [MMattson@mwvcog.org]  
**Sent:** Thursday, October 07, 2010 4:04 PM  
**To:** Debbie Bernard  
**Subject:** CUP 2010-01 Decision Sheldon Oil  
**Attachments:** DEC CU 2010-01 692 Main card lock sheldon oil 10 10.doc; SKMBT\_C55010100714480.pdf

Debbie – Attached is the Sheldon Oil application ready for Loyal's signature. Two of the Attachments are revised for inclusion with the decision.

A signed copy needs mailing to Mike and Lisa Sheldon. Could you also make sure that Dave Monson also gets a copy. I do not think anyone else commented unless you want Vern and Rita to have a copy.

If there are any questions, please let me know. MM